

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NANCY CROSS, et al.,)
Plaintiffs,)
vs.) Case No. 4:04CV433 HEA
CAPITAL AMERICAN COMPANY,)
L.L.C. a/b/a “A-PLUS QUALITY”)
Defendant.)

ORDER

This matter is before the Court on Mid-Rivers Golf Complex, Inc.'s Motion to Set Aside Order Dated June 13, 2006, [Doc. No. 56]. Plaintiff opposes the motion. Nothing in the said motion compels that the Order be set aside. Although counsel for Mid-Rivers Golf Complex, Inc. asserts that it was advised to disregard the Motion to Amend filed by plaintiff, counsel for plaintiff has submitted an affidavit wherein he avers no such representation was made. Furthermore, the Second Motion to Amend Judgment was clearly *in lieu* of the initial Motion, and Mid-Rivers did not respond to the Second Motion.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Set Aside, [Doc. No. 56], is

denied.

Dated this 7th day of July, 2006.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE